

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
SOUTHERN DIVISION**

NEW PRIME, INC.)	
D/B/A PRIME, INC.,)	
)	
Plaintiff,)	
)	Case No. 6:19-cv-03236-MDH
v.)	
)	Hon. M. Douglas Harpool
AMAZON LOGISTICS, INC.,)	
AMAZON.COM SERVICES LLC, and)	
AMAZON TECHNOLOGIES, INC.,)	
)	
Defendants.)	
_____)	

**JOINT STIPULATION REGARDING
SUMMARY JUDGMENT AND DAUBERT MOTIONS**

Plaintiff New Prime, Inc. (“New Prime”) and Defendants Amazon Logistics, Inc., Amazon.com Services LLC, and Amazon Technologies, Inc. (together, “Amazon”) (collectively, the “Parties”) stipulate as follows:

WHEREAS, on November 23, 2021 the Court amended the scheduling order to set March 15, 2022 as the deadline for the filing of dispositive motions;

WHEREAS, on January 10, 2022 the Court amended the scheduling order to set March 15, 2022 as the deadline for the filing of *Daubert* motions;

WHEREAS, on March 10, 2022, the Court, pursuant to the Parties’ joint request, further amended the scheduling order to set March 22, 2022 as the deadline for the filing of summary judgment and *Daubert* motions; to set April 26, 2022 and May 10, 2022 as the deadlines for oppositions and replies to such motions, respectively; to enlarge the page limit for summary judgment motions and oppositions to 25 pages; and to enlarge the page limit for summary judgment replies to 15 pages;

WHEREAS, on March 22, 2022, the Court, pursuant to the Parties' joint request, further amended the scheduling order to set March 29, 2022 as the deadline for the filing of summary judgment and *Daubert* motions, and to set May 3, 2022 and May 17, 2022 as the deadlines for oppositions and replies to such motions, respectively;

WHEREAS, on March 29, 2022, the Court, pursuant to the Parties' joint request, further amended the scheduling order to set April 5, 2022 as the deadline for the filing of summary judgment and *Daubert* motions, and to set May 10, 2022 and May 24, 2022 as the deadlines for oppositions and replies to such motions, respectively;

WHEREAS, on April 5, 2022, the Court, pursuant to the Parties' joint request, further amended the scheduling order to set April 12, 2022 as the deadline for the filing of summary judgment and *Daubert* motions, and to set May 17, 2022 and May 31, 2022 as the deadlines for oppositions and replies to such motions, respectively

WHEREAS, the Parties have reached an agreement in principle to resolve this case;

WHEREAS, in light of the potential for a final settlement of this matter, the Parties have determined that it is in their mutual interest to further update the existing schedule to extend the deadlines applicable to summary judgment and *Daubert* motions, oppositions, and replies by another one week, to allow the Parties to execute their settlement agreement;

WHEREAS, in order to avoid further extending the deadline for summary judgment and *Daubert* motions to be fully briefed, the Parties have agreed to extend only the initial deadline to file summary judgment and *Daubert* motions (which still leaves the parties four weeks for responses and two weeks for replies);

WHEREAS, the Parties will update the Court if and when a final settlement agreement has been executed;

WHEREAS, the modified case schedule requested herein would not impact any other pretrial deadlines or the date of trial, and the Parties's agreement to the one-week extension is contingent on there being no impact on any other pretrial deadlines or the date of trial; and

WHEREAS, none of the affected deadlines have yet to pass;

THEREFORE, IT IS HEREBY STIPULATED AS FOLLOWS:

1. The deadline to file summary judgment and *Daubert* motions should be modified to April 19, 2022.
2. The deadline to file summary judgment and *Daubert* oppositions should remain May 17, 2022.
3. The deadline to file summary judgment and *Daubert* replies should remain May 31, 2022.

Date: April 12, 2022

Respectfully submitted,

/s/ Travis W. McCallon

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on April 12, 2022, Plaintiff New Prime, Inc. filed the above and foregoing Joint Stipulation Regarding Summary Judgment and Daubert Motions with the Clerk of Court, Western District of Missouri via the CM/ECF system with service upon all counsel of record for Defendants Amazon Technologies, Inc., Amazon.com Services LLC, and Amazon Logistics, Inc. via the Notice of Electronic Filing generated by the CM/ECF filing system.

/s/ Travis W. McCallon
Attorney for Plaintiff